

MISSOURI COURT OF APPEALS WESTERN DISTRICT

WHISPERING OAKS RCF MANAGEMENT COMPANY, INC.,

Appellant,

v.

MISSOURI DEPARTMENT OF HEALTH and SENIOR SERVICES,

Respondent.

DOCKET NUMBER WD76476

Date: August 5, 2014

Appeal from:
Cole County Circuit Court
The Honorable Jon E. Beetem, Judge

Appellate Judges:
Division One: Mark D. Pfeiffer, Presiding Judge, Lisa White Hardwick and Karen King Mitchell, Judges

Attorneys:
Naren Chaganti, Town & Country, MO, for appellant.
James M. McCoy, Ross A. Brown, Curtis M. Schube, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

WHISPERING OAKS RCF MANAGEMENT COMPANY, INC.

Appellant,

v.

MISSOURI DEPARTMENT OF HEALTH and SENIOR SERVICES,

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WD76476

Cole County

Affirmed/Denied:

Opinion Holds:

Before Division One: Mark D. Pfeiffer, Presiding Judge,
Lisa White Hardwick and Karen King Mitchell, Judges

Whispering Oaks RCF Management Co. Inc. ("Appellant") brings ten points on appeal challenging the Administrative Hearing Commission's (the "AHC") decision to deny Appellant a license to operate as a long term care facility. This appeal arises from the circuit court's judgment affirming the AHC's decision.

AFFIRMED.

Division One Holds:

In order to qualify for a license, nursing home operators must be in substantial compliance with the health and safety standards under the 1979 Omnibus Nursing Home Act, Sections 198.003 to 198.186, RSMo Cum. Supp. 2013. Here, the AHC denied Appellant an operating license based on its finding that Appellant failed to

demonstrate that it was in substantial compliance with the Act. We find substantial and competent evidence to support the AHC's finding that Appellant was not in substantial compliance with the Act. Accordingly, the AHC did not err in denying Appellant an operating license.

Opinion by: Lisa White Hardwick, Judge

August 5, 2014

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